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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,573

09/30/2003

Eduard Dexheimer

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

THOMAS, ALEXANDER S

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,573

Applicant(s)

DEXHEIMER ET AL.

Examiner

Alexander Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-22 and 24-35 is/are rejected.
- 7) ☒ Claim(s) 15 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2/20/04. 6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claims 13 and 14 are objected to because of the following informalities: in claim 13 the term -- end -- appears to be missing after "free". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 5, 6, 8, 10, 12, 13, 14, 16, 17, 18 and 26-29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for the following phrases:

"the free end of the welt flap" (claim 5);
"ends of the welt flap" (claim 6);
"opposing peripheral ends of the welt flap" (claim 6);
"the first fastening element" (claim 8);
"the second fastening element" (claim 8);
"the first and second fastening elements" (claims 6 and 10);
"the anchor tips" (claim 12);
"the free [end *sic*] of the welt flap" (claim 13); and
"the internal side" (claim 26).

In claim 18 the scope of what is being claimed is not clear in view of the phrase "cylindrical with a recess around the welt flap". There is no disclosure that defines what

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structure is contemplated by a fastening element being "cylindrical with a recess around the welt flap".

3. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The figures and specification fail to adequately describe what is meant by the phrase "the recess passes through ... of the welt flap". There is no circular member disclosed which could be associated with the phrase "angular range of 360 degrees".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, 19-21, 30 and 33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Clark ('194). See Figure 2 and page 1, lines 70-77.

6. Claims 1-3, 5-7, 11-14, 16, 20, 30, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Selbert ('201). The reference discloses what may be considered a welt that is positioned between components in an automobile seat; see Figures 6 and 7, and column 2, lines 49-54. The projections 24, 25 in the reference's article may be considered the laterally protruding welt flap attached to a base portion 22

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(i.e. welt core). Concerning claim 32, the reference's article inherently would have this structure since it is provided around the edge of a seat and the edge of the seat forms a complete ring; see Figure 2 of the reference.

7. Claims 1, 4, 19-21, 26-29 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis ('723). See Figure 1 and column 2, line 17 through column 3, line 15. The reference discloses an automotive welt comprising a welt core 4, a laterally protruding welt flap 6 and fastening elements 8 formed therewith.

8. Claims 1, 4, 19, 26, 28, 29, 30, 33 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer ('927). See Figure 4. Figure 4 shows a welt M and what may be considered a laterally protruding flap F, the flap F also has an aperture therein and this aperture may be considered a fastening element. The fastening element is connected with a second fastener in the form of a clip 12.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selbert. The reference discloses what may be considered a welt that is positioned

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between components in an automobile seat; see Figures 6 and 7, and column 2, lines 49-54. The projections 24, 25 in the reference's article may be considered the laterally protruding welt flap attached to a base portion 22 (i.e. welt core). The reference fails to disclose the claimed angle of the tabs 26 and 27, and the use of the claimed materials for the welt core and flap. It would have been obvious to one of ordinary skill in the art to adjust the angle of the barb tabs 26, 27 to any angle in order to achieve the desired holding strength for a particular end use. It would also have been obvious to one of ordinary skill in the art use any well-known materials, such as rubber and polypropylene, for the welt core and flap depending on the desired physical properties for a particular end use.

11. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer. Figure 4 of the reference shows a welt M and what may be considered a laterally protruding flap F, the flap F also has an aperture therein and this aperture may be considered a fastening element. The fastening element is connected with a second fastener in the form of a clip 12. The reference discloses that the clip is preferably plastic (see column 2, lines 18-20) which suggests that it does not have to be plastic. It would have been obvious to one of ordinary skill in the art to form the clip in the reference from any well-known material, such as metal, depending on the desired physical properties for a particular end use.

Allowable Subject Matter

12. Claims 15 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1700.

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A handwritten signature in cursive script, reading "Alexander S. Thomas".

ALEXANDER S. THOMAS
PRIMARY EXAMINER